

City of Saint Paul, Minnesota
Attachment to Civil Service Rule 26

Grievance Procedures

The following procedures are designed for use by a classified employee of the City or School District. Classified employees are all those employees who meet the definition outlined in Section 12.03.3 of the City Charter. Such employees may also be covered by a collective bargaining agreement. In disciplinary cases (see II below), either the contract or the Civil Service Rules may apply. Grievance related to the terms and conditions of a labor contract should be reviewed through the contract's grievance procedures. No grievance may be reviewed through more than one grievance process.

All statements of grievance presented for Civil Service Commission review must cite the specific violation of the Civil Service Rules and must contain the remedy requested.

Notwithstanding the steps outlined herein a grievance may go directly to the Civil Service Commission if the grievance is regarding an action by the Human Resources Director, the department head or the designated representative of the Superintendent.

Note: All references to "days" shall be defined as "business days" unless otherwise stated. Any deadline may be extended by mutual agreement of both parties. Failure of the employee to initiate or appeal within the time limit at any step shall constitute waiver of the right to appeal.

If all parties agree a grievance may proceed to any advanced step.

I. CIVIL SERVICE RULES APPEAL

If the grievance involves the application and interpretation of the Civil Service Rules, the following procedures should be followed. Each step, and each section within a step, is proceeded to only if there has been no resolution of the grievance.

Step 1: Appeal to immediate supervisor. Appeal must be made within 20 days of the alleged violation of the rules giving rise to the grievance.

A. Oral Discussion

1. Employee brings grievance orally to immediate supervisor. (This may be accompanied by a written statement in which case "a" and "b" may be combined.)
 - a. If grievance is beyond the supervisor's jurisdiction, the supervisor shall refer it to the level where a decision can be made.
 - b. Within five days, the supervisor must give the employee an answer. If a response is not received within five days, the grievant may proceed to Step 1B.

B. Written Grievance

1. Within five days after the supervisor's response, or last day for his response, the employee may put grievance in writing and give copies to supervisor and the Office of Human Resources.
2. A hearing is held within ten days of receipt of the written grievance between the supervisor, grievant and any other employee or representative of the grievant's choice. The supervisor is responsible for scheduling the hearing. This is an informal setting, no recording or written minutes are made.
3. Within five days of the hearing, the supervisor must respond in writing to the employee and provide a copy to the Office of Human Resources. If a response is not received within five days, the grievant may proceed to Step 2.

Step 2. Written Appeal to Division Head.

- A. Grievant presents their written statement of grievance to the Division Head or designee with five days of response or last day for response.
- B. Within five days, the Division Head or designee must respond in writing to grievant with a copy to the Office of Human Resources. If the Division Head or designee does not do so within five days, the grievant may proceed to Step 3.

Step 3. Written Appeal to Appointing Officer.

- A. Within days of receipt of Division Head's response, the employee may make a written appeal to the appointing officer (or designee).
- B. The appointing officer arranges a conference with parties to the grievance. The Human Resources Director may attend as a consultant.
- C. Within ten days, the appointing officer shall notify the Human Resources Director and the grievant in writing of their decision. If the appointing officer does not do so within ten days, the grievant may proceed to Step 4.

Step 4. Appeal for Hearing by Commission.

- A. Within 15 days of receipt of the appointing officer's response or the last day for response, the grievant may request in writing a hearing of the Civil Service Commission.
- B. The Chair of the Civil Service Commission presides over the hearing. The request for hearing must be sent to the Civil Service Commission, c/o Office of Human Resources, 400 City Hall Annex, 25 West Fourth Street, Saint Paul, Minnesota 55102.
 1. The Human Resources Director or designee acts as secretary to the Commission.
 2. A verbatim recording of the Commission proceedings is made and kept for three years.
- C. The Commission directs the Human Resources Director to transmit its written decision to the

appointing officer and grievant.

II. DISCHARGE, REDUCTION OR SUSPENSION APPEAL

In the case of grievances with respect to discharge, reduction, or suspension, the employee may appeal the appointing officer's action before the Civil Service Commission.

- A. The employee must request in writing a hearing, within five working days of the date the notice of discharge, reduction or suspension was sent or given. (If a veteran, the request must come within sixty (60) calendar days.)
- B. Within 15 days of receiving the hearing request, the Commission shall set a hearing date, and inform both the employee and the appointing officer.
- C. The Civil Service Commission shall conduct its hearings informally and impartially in such manner as it deems best calculated to ascertain the correctness of the charges preferred, and without requirement to adhere to technical rules of procedure or evidence. The Civil Service Commission shall have the power to administer oaths.
- D. The decision of the Civil Service Commission shall be by majority vote. The Civil Service Commission shall have the power, after having heard whatever evidence it deems sufficient, to act as follows:
 - 1. Uphold the discharge of the employee from the City in the classified service.
 - 2. Reduce the employee in rank and/or compensation, provided such reduction is made in accordance with the Civil Service Rules.
 - 3. Suspend the employee, provided such suspension is made in accordance with the Civil Service Rules.
 - 4. Reduce and suspend said employee.
 - 5. Order the employee to complete the last year of an apprentice program, if applicable.
 - 6. Increase or reduce the original penalty.
 - 7. If the evidence does not support the action of the appointing officer, the employee may be reinstated, and the Civil Service Commission may order that the employee be paid their salary for any part of or for all of the time that the employee was relieved of their duties, may order that a letter, indicating that the action of the appointing officer was reversed and that the specific charge should not be considered in any future actions, be placed in the employee's personnel file, or may order the employee's personnel file expunged of all material relating to the discharge.
- E. The Civil Service Commission's decision shall be in writing and shall be served upon the employee through the mail at the employee's last known address.

III. GRIEVANCE: EXAMINATIONS, CLASSIFICATIONS, WAGE ADMINISTRATION

If the issue involves examinations, classifications, timing of merit increases and administration of wage rates, or performance appraisals the following procedures shall be followed:

A. Performance Appraisal

1. Employee discusses rating with the supervisor during the Performance Appraisal Conference.
2. Employee discusses rating with the appointing officer within fifteen days of Performance Appraisal Conference.
3. If all attempts to resolve the problems with the department are exhausted, an appeal may be made before the Civil Service Commission.
 - a. Within fifteen days of the decision of the appointing officer, the employee must appeal in writing to the Civil Service Commission.
 - b. Appeal may be based only upon alleged:
 - i. Prejudice or bias, and/or
 - ii. Inadequate knowledge of employee's capabilities and performance on the part of the rating officer.
4. Civil Service Commission Appeal Hearing:
 - a. The Human Resources Director or designee acts as secretary.
 - b. A verbatim recording is made and kept for one year.
 - c. The Commission may order a new review and state by whom it shall be done.
 - d. The Commission may uphold the appraisal as originally made.
 - e. The Commission shall direct the Human Resources Director to notify the appointing officer and employee of its order within 10 days of the conclusion of the hearing.

B. Examinations

1. Errors
 - a. An incorrect answer on the scoring key may be corrected if brought to the attention of the Office of Human Resources within 10 working days following the competitor's review of the questions and answers. This may be orally or in writing.

- b. A scoring error may be corrected if brought to the attention of the Office of Human Resources either orally or in writing, within 10 working days following the competitor's review of the scoring.

2. Challenges

- a. If a candidate has reason to believe they have been unfairly treated or that their answer is correct, despite the disagreement of the Office of Human Resources, the candidate should send a letter to the Human Resources Director stating their concerns. This appeal must be made within twenty days of the initial discussion. (See 1.a)
- b. If the Human Resources Director finds in favor of the Office of Human Resources, the candidate may request a hearing before the Civil Service Commission. The request should be in writing and should state the specifics of the issue. This appeal must be made within 10 days of the Human Resources Director's finding.
- c. The procedures in III A.3. is then followed. (Excluding III A.3.b).

C. Classifications

1. Challenges

- a. If an employee has reason to believe their job has been unfairly or inadequately audited, despite the disagreement of the Office of Human Resources, the employee should send a letter to the Human Resources Director stating their concerns. This appeal must be made within twenty days of the employee learning of a classification decision by the Human Resources Office.
- b. If the Human Resources Director finds in favor of the Office of Human Resources, the employee may request a hearing before the Civil Service Commission. The request should be in writing and should state the specifics of the issue. This appeal must be made within 10 days of the Human Resources Director's finding.

2. Hearings

- a. The Chair of the Civil Service Commission presides over the hearing. The request for hearing must be sent to the Civil Service Commission, c/o Office of Human Resources, 400 City Hall Annex, 25 West Fourth Street, Saint Paul, MN 55102.
 - i. The Human Resources Director or designee acts as secretary tot he Commission.
 - ii. A verbatim recording of the Commission proceedings is made and kept 3 years.
 - iii. The Commission may uphold the classification decision as originally made by the Office of Human Resources.
 - iv. The Commission may order a new audit of the position.

- v. The Commission may determine an appropriate classification for the position based on evidence and testimony presented.
 - b. The Commission directs the Human Resources Director to transmit its written decision to the appointing officer and the grievant.
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IV. OTHER MATTERS (NOT MATTERS OF GRIEVANCE)

1. Classification of job duties, grading of classes, fringe benefits, overtime allowance or other matters which can only be changed by a revision of the Civil Service Rules may be addressed by a letter detailing the nature of the complaint and the remedy sought. The letter should be sent to the Civil Service Commission. Such a request shall be made within thirty days of a decision made by the Office of Human Resources.
2. The procedures in III.A.3. is then followed. (Excluding III A.3.b).

The Commission may consider and recommend to the Mayor Council changes which will remedy a problem.